



Certification Page Regular and Emergency Rules

<u>1. General Information</u>		
a. Agency/Board Name <i>See attached list for references</i> Wyoming Game and Fish Department		
b. Agency/Board Address 3030 Energy Lane	c. Agency/Board City Casper	d. Agency/Board Zip Code 82604
e. Name of Contact Person Mike Choma, Law Enforcement Supervisor	f. Contact Telephone Number 307-473-3400	
g. Contact Email Address	h. Adoption Date: January 24, 2013	
i. Program(s) <i>See attached list for references</i> Game and Fish Commission - Hunt		
<u>2. Rule Type and Information</u>		
a. These rules are: <input type="checkbox"/> Emergency Rules (<i>After completing all of Section 2, proceed to Section 5 below</i>) <input checked="" type="checkbox"/> Regular Rules		
b. Choose all that apply: <input type="checkbox"/> New Rules* <input checked="" type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules		
<i>* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.</i>		
If "New," provide the Enrolled Act number and year enacted:		
c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (<i>if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification</i>)		
Chapter Number: 57	Short Title: Regulation Governing Real Property Rights of the Wyoming Game and Fish Commission	
Chapter Number:	Short Title:	
Chapter Number:	Short Title:	
Chapter Number:	Short Title:	
Chapter Number:	Short Title:	
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:		
<u>3. State Government Notice of Intended Rulemaking</u>		
a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:		
November 16, 2012		
b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office:		
November 16, 2012		
c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General:		
November 16, 2012		

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:
	12-3-12	6:00 PM	Laramie	Laramie Regional Office
	12-4-12	6:00 PM	Pinedale	Pinedale Regional Office
	12-4-12	5:00 PM	Sheridan	Sheridan Regional Office
	12-4-12	7:00 PM	Green River	Green River Regional Office
	12-5-12	7:00 PM	Casper	Casper Regional Office
	12-11-12	6:30 PM	Jackson	Jackson Regional Office
	12-11-12	6:00 PM	Cody	Cody Regional Office
	12-13-12	6:00 PM	Lander	Lander Regional Office

5. Final Filing of Rules


a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **January 28, 2013**

b. Date on which final rules were sent to the Legislative Service Office: **January 28, 2013**

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: **January 28, 2013**

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Aaron Clark
Signatory Title	President, Wyoming Game and Fish Commission
Date of Signature	January 24, 2013

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Distribution List:

Attorney General

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 57

REGULATION GOVERNING REAL PROPERTY RIGHTS OF THE WYOMING GAME AND FISH COMMISSION

W.S. §23-1-302 empowers the Commission to acquire lands and waters in the name of Wyoming by purchase, lease, agreement, gift or devise, and to develop, improve, operate and maintain the same. The Commission is also empowered to acquire easements and construct suitable access roads leading to public and Department lands and waters.

The title of this regulation is being changed from REGULATION GOVERNING FEE TITLE PROPERTY RIGHTS BY THE WYOMING GAME AND FISH COMMISSION to REGULATION GOVERNING REAL PROPERTY RIGHTS OF THE WYOMING GAME AND FISH COMMISSION. Throughout this regulation, fee title property right(s) is being changed to real property right(s) where appropriate.

In Section 4, definitions have been added for; Administrative facilities, Conservation easement, Less than fee title, Negotiated value, Price analysis, Property Rights Team, Real property right(s) ranking system, Real property, Real property right(s), and UASFLA. Definitions for NEPA, Property right(s) ranking system, Real estate, Internal nomination and External nomination have been deleted. Other existing definitions have been edited for clarity.

In Section 5, proposed changes define how sales price will be determined on real property rights for fee title, conservation easements, and less than fee title. The proposed rules will require the Department to approve the selection of the appraiser and allows flexibility as to which party pays for the appraisal. The proposed rules allow for a price analysis in lieu of an appraisal for less than fee title real property rights because most Commission owned rights for public access are very specific to fish and wildlife uses and do not fit with traditional appraisal standards.

In Sections 6 and 7, proposed changes provide more transparency to the public during the acquisition process. The proposed changes bring compliance with Title 16 of Wyoming State Statutes. The proposal removes the Habitat and Access Evaluation Process (HAEP) as a requirement because the HAEP doesn't rank for specific priorities, for example migration corridors. The proposed acquisition process is similar to the current rules with the following changes:

1. It adds clarity;
2. It includes other real property rights (not just fee title);
3. It differentiates the process for the inclusion of other real property rights;
4. It provides a more defined timing of events;
5. It clearly defines the roles and responsibilities within the Department, the Commission and the Attorney General's Office; and,
6. It adds the requirement that the Seller, at Seller's cost, provide a title insurance policy.

Sections 9 and 10 are proposed additions to the existing Chapter 57. Section 9 proposes a stream-lined process for renewals of existing agreements for less than fee title real property right(s) because the use has been developed and the benefits to holding the real property right(s) are proven. Section 10 proposes a stream-lined process for agreements for temporary uses of less than fee title real property right(s) because the cost is generally low and the need is often urgent.

In Section 11, proposed changes give the Department authority to act on property right opportunities without compliance of the foregoing sections when certain circumstances exist provided that the Commission is notified.

Minor grammatical and formatting edits have been incorporated to provide additional clarity but does not change the intent of this regulation.

DRAFT 1-24-13.5

WYOMING GAME AND FISH COMMISSION

CHAPTER 57

REGULATION GOVERNING ~~FEE TITLE~~ REAL PROPERTY RIGHTS(S) ~~BY OF THE~~ WYOMING GAME AND FISH COMMISSION

Section 1. Authority. This regulation is promulgated by authority of W. S. §23-1-302.

Section 2. Regulation. The Wyoming Game and Fish Commission (**Commission**) hereby adopts the following regulation governing ~~fee title~~ real property right(s). This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Purpose. The purpose of this regulation is to provide ~~guidelines~~ direction for acquiring or disposing of ~~fee title~~ real property rights on lands and waters.

Section 4. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) “Acquisition” means obtaining real property right(s) through a purchase, ~~trade~~ exchange, lease, easement, agreement, gift or devise, that result in ~~fee title~~ real property ownership, not including powers of eminent domain, by the ~~Wyoming Game and Fish~~ Commission.

(b) “Administrative facilities” means those facilities and associated land necessary to carry out the routine duties of the Wyoming Game and Fish Department (Department) such as but not limited to headquarters, regional offices, satellite regional offices, conservation camps, research facilities, game warden stations, feedgrounds, fish hatcheries, bird rearing facilities, employee housing, laboratories, training facilities, patrol cabins, check stations and such. Administrative facilities do not include wildlife habitat management areas or public access areas.

~~(b)(c)~~ “Administrative staff” means the ~~Wyoming Game and Fish~~ Department Director, Deputy Directors, Division Chiefs, or Assistant Division Chiefs.

~~(c)(d)~~ “Appraisal” means an unbiased estimate of the nature, quality, fair market value or utility of an interest in or aspect of identified real estate property right(s) and related personal property.

(e) “Conservation easement” means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property, assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archeological or cultural aspects of real property.

~~(d)(f)~~ “Disposal” means selling, trading or otherwise liquidating ~~fee title~~ real property right(s) owned by the Wyoming Game and Fish Commission.

~~(e)(g)~~ “Federal aid” means any grant-in-aid programs administered by the U.S. Fish and Wildlife Service federal government.

~~(f)(h)~~ “Fee title” means the ownership in real estate property without limitations or restrictions, ~~except those buildings, facilities and associated lands to be used for administrative purposes by the Department.~~

(i) “Less than fee title” means a real property estate created from fee title such as easements, leases, permits, licenses, options, water rights and other interests, benefits or rights inherent in the ownership of real property.

~~(g)~~**(j)** “Market value” means the highest price estimated in terms of money, which the ~~land~~**real property right(s)** would bring if exposed on the open market. Market value shall be determined by an appraisal completed by a State Certified Appraiser.

(k) “Negotiated value” means the agreed price that represents the lowest price that a Seller is willing to sell and the highest price that a Buyer is willing to pay for a real property right(s).

~~(h)~~ “NEPA” means the National Environmental Policy Act of 1969 and amendments thereto.

~~(i)~~**(l)** “Nominations” mean proposed acquisition or disposal of ~~fee title~~**real** property right(s), submitted to or by the Wyoming Game and Fish Department for consideration by the Wyoming Game and Fish Commission.

(m) “Price analysis” means an analysis to assist in determining sales price of real property right(s) estimated in terms of money and based on comparable sales of similar real property right(s), potential income generation, cost savings, replacement costs, intended use and need. Price analysis shall be determined by State Certified Appraisers, licensed real estate professionals or by Department employees with expertise suitable and specific to the real property right(s) considered.

~~(n)~~**(n)** “Property Rights Team” means designated representatives from the ~~Administrative Staff, Department Director’s Office and each Division.~~ **There shall be one voting member from the Director’s Office and each Division.**

~~(j)~~ “Property right(s) ranking system” means the Wyoming Game and Fish Department’s system that ranks property for its importance to wildlife management considering habitat and public access to land.

~~(k)~~**(o)** “Public records” mean the chain of title records in the County Clerk’s Office in the counties of the nominated **real** property right(s).

(p) “Real property” means the earth’s surface, the air above and the ground below, as well as appurtenances to the land including buildings, structures, fixtures, fences and improvements erected upon or affixed to the same, excluding growing crops.

(q) “Real property right(s)” means an interest, benefit or right inherent in the ownership of real property.

(r) “Real property right(s) ranking system” means the Commission’s policy guideline that ranks property for its importance to wildlife habitat and public access.

~~(l)~~ “Real estate” means physical land and appurtenances affixed to the land.

~~(m)~~**(s)** “State Certified Appraiser” means an appraiser who has been certified by authority of W.S. §33-39-101 and by rules and regulations established by the Wyoming Certified Real Estate Appraiser Board.

(t) “UASFLA” means the Uniform Appraisal Standards for Federal Land Acquisitions, also known as “Yellow Book”, promulgated by the Interagency Land Acquisition Conference.

~~(n)~~**(u)** “USPAP” means the Uniform Standards of Professional Appraisal Practices of the Appraisal Institute, promulgated by the Appraisal Standards Board of the Appraisal Foundation.

~~(e) "Internal nomination" means a nomination submitted by Regional Wildlife and/or Fish Supervisors, Administrative Staff, or Commission member.~~

~~(p) "External nomination" means a nomination submitted by any source other than an Internal nomination.~~

Section 5. Procedure for Conducting Requirements for Appraisal or Price Analysis.

(a) **The market value for all fee title and conservation easement real property rights shall be determined by an appraisal.** All appraisals shall be prepared by a State Certified Appraiser and reviewed by a State Certified Appraiser, both adhering to USPAP **or UASFLA** standards **as appropriate.** Either the preparation or the review of the appraisal shall be completed by an appraiser who is not an employee of the Department. ~~For fee title property right(s) to be acquired or sold, the costs and~~ **The** selection of a third party appraiser or reviewer shall be ~~paid~~ **approved** by the ~~Commission~~ **Department.** ~~and selection shall follow State laws and regulations. Appraisals or reviews of the appraisals of fee title property right(s) to be accepted by the Commission as trades shall be paid for by the trading party and shall be prepared and reviewed by a State Certified Appraiser.~~

(b) An appraisal or a price analysis shall be completed for any acquisition or disposal of less than fee title real property right(s), except for conservation easements, which shall comply with Section 5(a) above.

Section 6. Procedure for Acquisition of Fee Title Real Property Rights.

(a) Acquisition Nominations.

(i) **By the ~~The~~ public, a government agency, an organization or any entity may submit a nomination for acquisition of real property rights. Within the Department or the Commission, only Commissioners, Administrative Staff and Regional Supervisors may submit nominations. Nominations shall be submitted in writing and shall contain a minimum of the following information: a legal description, map and a summarized statement explaining the reason why the real property right(s) should be acquired. Nominations shall be delivered to the Lands Administration Section, Services Division, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006.**

~~(A) Any person or entity may submit a nomination(s) for acquisition of fee title property rights. Nominations shall be submitted in writing and shall contain a minimum of the following information: a legal description and map, a summarized statement explaining the reason why the property should be acquired and documentation the property is available for acquisition. External nominations shall be mailed or hand delivered to the Lands Administration Section of the Services Division of the Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006.~~

~~(ii) By Game and Fish Employees.~~

~~(A) Only Regional Wildlife and/or Fish Supervisors, Administrative Staff or Commission members may submit internal nominations.~~

~~(iii) Under the direction of the Regional Wildlife and Fish Supervisor(s), Regional field personnel shall review all nominations utilizing Habitat Plan criteria and/or other wildlife/access management information. Nominations that receive recommendations to pursue shall be processed through the Habitat and Access Evaluation Process (HAEP).~~

(ii) The Lands Administration Section shall forward all nominations to the Regional Supervisors and under their direction, regional field personnel shall evaluate all nominations utilizing

the real property right(s) ranking system. The region shall prepare a detailed evaluation report and recommendation.

~~(A)(iii) After the region has completed the ranking evaluation, the~~ **the** Lands Administration Section and ~~r~~Regional field personnel shall **discuss the nomination including real property right needs, project goals, management plans, alternatives, consequences, estimated acquisition costs, potential funding and development and maintenance costs. The Lands Administration Section shall forward the nomination including a detailed report and the regional recommendation to the Property Rights Team.** ~~discuss property right needs, project goals, draft management plans, development/maintenance costs, estimated acquisition costs, and potential funding partners. Information, completed ranking and statewide comparison considerations shall be forwarded to the Property Rights Team for review and authorization to proceed.~~

~~(B)(iv) The Property Rights Team shall review the nomination.~~ If the Property Rights Team decides not to proceed with a nomination, a letter shall be sent by the Director's Office to the person **or entity** who submitted the nomination advising them of the decision. **If the Property Rights Team grants authorization to proceed, the nomination shall be presented to the Commission for consideration.**

~~(iv) If the Property Rights Team grants authorization to proceed, the proposal shall be presented to the Game and Fish Commission for consideration.~~

(v) The Commission or the Director's **Office** of the Department may terminate a ~~project at any stage of this procedure.~~ **nomination at any time.**

(b) Commission Action on Acquisitions.

(i) ~~Prior to public disclosure of intended purchase, the~~ **The** Department shall present the nomination(s) to the Commission in ~~executive~~ **open** session. ~~including Identification~~ **identification** of fee title **real** property right(s) to be acquired, estimated values of the rights to be acquired, management needs, ~~short-term development costs, and long-term management and maintenance costs and draft contracts, shall be~~ presented to the Commission with the request for authorization to proceed. Should the Commission grant approval **authorization** to proceed, any property acquired that involves expenditure of federal funds shall be acquired in compliance with applicable federal aid requirements and procedures.

(A) Pursuant to W.S. §16-4-405 (vii), these proceedings may be held in executive session if public disclosure would cause a likelihood of an increase in price to the Commission.

~~(A)(B)~~ If the Commission does not grant authorization to proceed, a letter shall be sent by the Director's Office to the person submitting the nomination advising them of the decision.

~~(B) These proceedings shall be confidential pursuant to W. S. §16-4-203.~~

(ii) If the Commission ~~decides~~ **grants authorization** to proceed with the acquisition **of fee title or conservation easement real property rights, then** the Department shall **enter into a purchase agreement with the Seller, after which the Department shall complete, or order to be completed, an appraisal and a title report. If the Commission grants authorization to proceed with the acquisition of other less than fee title real property rights, the Department may enter into a purchase agreement and shall complete, or order to be completed, an appraisal or price analysis and a title report.** ~~have the property appraised to establish market value. The Department shall advise the Governor's Office and advertise the Commission's intent to acquire fee title property right(s) through local newspapers and one (1) newspaper of statewide circulation. The advertisement shall be one (1) time a week for four (4) consecutive weeks. The advertisement shall fully set forth all necessary information to inform the public of the property's location, a short summary explaining the reasons for acquisition, and the date, time and location of the final Commission hearing to consider the acquisition.~~

(A) Prior to final approval of fee title acquisitions, the Department shall advise the Governor's Office and then advertise the Commission's intent to acquire fee title property right(s) through local newspapers and one (1) newspaper of statewide circulation. The advertisement shall be one (1) time a week for four (4) consecutive weeks. The advertisement shall fully set forth all necessary information to inform the public of the property's location, a short summary explaining the reasons for acquisition, and the date, time and location of the anticipated final Commission hearing to consider the acquisition.

~~(A)~~**(B)** At the Commission's discretion, a public meeting may be held to discuss the proposed nomination **any real property right acquisition** and to solicit additional public comments.

(C) At the Commission's discretion, public advertisement or notice to the Governor's Office may be required for less than fee title acquisitions.

~~(B)~~**(D)** Following the public notice and **Upon** receipt of public input and after all review has been completed, the Commission shall **may** vote on whether the property should be acquired.

~~(C)~~**(E)** Any ranked properties not acquired shall remain ranked. Depending upon continued availability, funding and need, ranked properties may be resubmitted to the Commission at future meetings.

~~(D)~~**(F)** The Commission shall not pay more than market value to acquire ~~the fee title or conservation easement real property rights.~~ **property.**

(G) The Commission shall utilize the information provided in an appraisal or a price analysis in determining the highest negotiated value to be paid for less than fee title property rights.

(iii) After the Commission authorizes the purchase of the proposed acquisition, all associated documents and contracts shall be reviewed and approved by the Department and the Attorney General's Office prior to execution.

(A) All **Conveyance** documents shall be recorded in the **respective** County Clerk's Office as public records.

(B) A title-vesting certificate shall be prepared **or approved** by the Attorney General's Office to certify **that the fee title real** property right(s) are vested in the name of the Wyoming Game and Fish Commission. **The Seller, at Seller's cost, shall provide a title insurance policy in an amount to be no less than the purchase price.**

(C) All acquired **fee title real** property right(s) shall be monitored by Department personnel in a manner ~~authorized~~ **prescribed** by the Department.

Section 7. Procedure for Disposal of Fee Title.

(a) Disposal Nominations.

(i) ~~All Commission-owned fee title properties, excluding Commission-owned administrative facilities and associated lands, shall be processed through the Habitat and Access Evaluation Process (HAEP). Only Regional Wildlife and/or Fish Supervisors, Administrative Staff or Commission members may submit disposal nominations.~~ **The public, a government agency, an organization, or any person or entity may submit a nomination for disposal of real property rights. Within the Department or the Commission, only Commissioners, Administrative Staff and Regional Supervisors may submit nominations.**

Nominations shall be submitted in writing and shall contain a minimum of the following information: a legal description, map and a summarized statement explaining the reason why the property right(s) should be disposed. Nominations shall be delivered to the Lands Administration Section, Services Division, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006.

(ii) ~~The Lands Administration Section and regional field personnel shall meet to discuss property right needs and~~ **the original purposes and funding sources for acquisition, current management goals, the reconfiguration and consequences if the real property rights is disposed, and a marketing plan including the proposed sales strategy, estimated sales price, timing of the sale and preparation of the real property prior to the sale. The Lands Administration Section shall forward the nomination including a detailed report and regional recommendation** ~~utilizing the Strategic Habitat Plan criteria. Potential reconfiguration of management, maintenance plans and property right needs shall be prepared and recommendations drafted and presented to the Property Rights Team.~~

~~_____ (A) If authorization to proceed is granted by the Property Rights Team, the information shall be advanced to the Commission for consideration.~~

~~_____ (B) If authorization to proceed is not granted by the Property Rights Team, a memo shall be sent by the Director's Office to the person submitting the nomination advising them that Commission ownership shall be retained.~~

~~_____ (iii) The Property Rights Team shall review the nomination. If authorization to proceed is not granted by the Property Rights Team, a letter shall be sent by the Director's Office to the person submitting the nomination advising them of the decision. If authorization to proceed is granted by the Property Rights Team, the information shall be presented to the Commission for consideration.~~

~~(iii)(iv) The Commission or the Director's Office of the Department may terminate a nomination at any time.~~ project at any stage of this procedure.

(b) Commission Action on Disposals.

(i) Prior to public disclosure of intended disposal, the Department shall present the nomination(s) to the Commission in ~~executive~~ **open** session. Identification of ~~fee title~~ **real** property right(s) to be sold and estimated values of the rights to be sold shall be presented to the Commission for authorization to proceed. Should the Commission grant approval to proceed, any property disposal that was originally acquired with federal funds shall be disposed of in compliance with applicable federal aid requirements and procedures.

~~_____ (A) If the Commission does not grant authorization to proceed, a letter shall be sent by the Director's Office to the person submitting the nomination advising them of the decision.~~

~~_____ (B) These proceedings shall be confidential pursuant to W. S. §16-4-203.~~

(ii) Once the Commission authorizes to proceed with disposal, the Department shall have ~~the any fee title disposals~~ property appraised to establish market value **or less than fee title disposals shall be appraised or have a price analysis to determine the minimum negotiated value for the disposal.** The Department shall advise the Governor's Office and advertise the Commission's intent to sell fee title property right(s) through local newspapers and one (1) statewide newspaper. The advertisement shall be one (1) time a week for four (4) consecutive weeks. The advertisement shall fully set forth all necessary information to inform the public of the property's location, a short summary explaining the reasons for selling, and the date, time and location of the **anticipated** final Commission hearing to consider the disposal.

(A) At the Commission's discretion, a public meeting may be held to discuss the proposed nomination and to solicit additional public comments.

(B) Following the public notice and receipt of public input and after all review has been completed, the Commission shall vote on whether the real property right(s) should be disposed of by the Commission.

(C) Market value is the minimum price the Commission shall accept for ~~the fee title real property right(s)~~ rights and minimum acceptable negotiated value is the minimum price the Commission shall accept for less than fee title real property rights. ~~The sale of fee title property right(s) shall be accomplished by sealed bid or by public auction.~~

(D) The sale of fee title property right(s) shall be accomplished by sealed bid or by public auction. In the event that market value is not offered, the Department may list the fee title real property right with a Wyoming licensed real estate broker at market value. When an acceptable offer is received and approved by the Commission, the Department shall enter into a purchase agreement.

~~(D)~~**(E) All trades shall be based on receiving value for value with the same— Market value shall be the minimum price accepted in a value for value trade as indicated in subsection (C) above.** If there are inequities in values of the ~~fee title real~~ real property right(s) being traded, value for value shall be achieved by a cash payment, or some other agreed upon remuneration.

(iii) After the Commission authorizes disposal of the ~~fee title real~~ real property right(s), all associated documents and contracts shall be reviewed and approved by Department personnel and the Attorney General's Office prior to execution.

(A) All documents shall be recorded in the respective County Clerk's Office as public records.

(B) A title-vesting certificate shall be prepared or approved by the Attorney General's Office to certify that the real property right(s) are vested in the name(s) of the appropriate grantees.

Section 8. Exemption for administrative facilities and properties. _

~~(a)~~ The acquisition and disposal of administrative ~~buildings,~~ facilities and associated lands are exempt from this regulation.

Section 9. Renewals. Renewals of existing agreements for less than fee title real property rights shall be presented to the Commission in open session for consideration and action before execution of the renewal.

Section 10. Temporary Uses. _

Agreements for temporary uses of less than fee title real property rights that do not exceed two years in duration are exempt from the acquisition process as indicated in Section 6 of this regulation. The Department shall notify the Commission member in whose district the temporary use agreement will occur. After being notified and fully informed of the temporary use agreement, if the Commission member believes that the temporary use agreement should be considered by the full Commission, it shall be presented to the Commission in open session for consideration and action before execution of the agreement.

Section 911. Emergency Clause. _ -

_____(a) Notwithstanding the previous section(s), the ~~Commission~~ **Department** may **act on behalf of the Commission** at its discretion, **with notice to the Commission, to** acquire or dispose of **real** property rights or ~~may issue right of ways to~~ **and** amend, correct, or maintain existing **real property** rights, ~~for emergency situations~~ **necessary for emergencies, error and omissions**, and to take advantage of narrow windows of opportunity. This section is not applicable to any acquisitions or disposals of property where federal aid implications are involved.

Section 1012. Savings Clause.

_____(a) If any provision of this regulation ~~is~~ **shall be** held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By: _____
~~Jerry Sanders~~ **Aaron Clark**, President

Dated: ~~February 12, 2003~~ **January 24, 2013**

WYOMING GAME AND FISH COMMISSION

CHAPTER 57

**REGULATION GOVERNING REAL PROPERTY RIGHTS OF THE
WYOMING GAME AND FISH COMMISSION**

Section 1. Authority. This regulation is promulgated by authority of W. S. §23-1-302.

Section 2. Regulation. The Wyoming Game and Fish Commission (Commission) hereby adopts the following regulation governing real property right(s). This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Purpose. The purpose of this regulation is to provide direction for acquiring or disposing of real property rights on lands and waters.

Section 4. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Acquisition" means obtaining real property right(s) through a purchase, exchange, lease, easement, agreement, gift or devise, that result in real property ownership, not including powers of eminent domain, by the Commission.

(b) "Administrative facilities" means those facilities and associated land necessary to carry out the routine duties of the Wyoming Game and Fish Department (Department) such as but not limited to headquarters, regional offices, satellite regional offices, conservation camps, research facilities, game warden stations, feedgrounds, fish hatcheries, bird rearing facilities, employee housing, laboratories, training facilities, patrol cabins, check stations and such. Administrative facilities do not include wildlife habitat management areas or public access areas.

(c) "Administrative staff" means the Department Director, Deputy Directors, Division Chiefs or Assistant Division Chiefs.

(d) "Appraisal" means an unbiased estimate of the nature, quality, fair market value or utility of an interest in or aspect of identified real property right(s) and related personal property.

(e) "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property, assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archeological or cultural aspects of real property.

(f) "Disposal" means selling, trading or otherwise liquidating real property right(s) owned by the Wyoming Game and Fish Commission.

(g) "Federal aid" means any grant-in-aid programs administered by the federal government.

(h) "Fee title" means the ownership in real property without limitations or restrictions.

(i) "Less than fee title" means a real property estate created from fee title such as easements, leases, permits, licenses, options, water rights and other interests, benefits or rights inherent in the ownership of real property.

(j) "Market value" means the highest price estimated in terms of money, which the real property right(s) would bring if exposed on the open market. Market value shall be determined by an appraisal completed by a State Certified Appraiser.

(k) "Negotiated value" means the agreed price that represents the lowest price that a Seller is willing to sell and the highest price that a Buyer is willing to pay for a real property right(s).

(l) "Nominations" mean proposed acquisition or disposal of real property right(s), submitted to or by the Department for consideration by the Commission.

(m) "Price analysis" means an analysis to assist in determining sales price of real property right(s) estimated in terms of money and based on comparable sales of similar real property right(s), potential income generation, cost savings, replacement costs, intended use and need. Price analysis shall be determined by State Certified Appraisers, licensed real estate professionals or by Department employees with expertise suitable and specific to the real property right(s) considered.

(n) "Property Rights Team" means designated representatives from the Department Director's Office and each Division. There shall be one voting member from the Director's Office and each Division.

(o) "Public records" mean the chain of title records in the County Clerk's Office in the counties of the nominated real property right(s).

(p) "Real property" means the earth's surface, the air above and the ground below, as well as appurtenances to the land including buildings, structures, fixtures, fences and improvements erected upon or affixed to the same, excluding growing crops.

(q) "Real property right(s)" means an interest, benefit or right inherent in the ownership of real property.

(r) "Real property right(s) ranking system" means the Commission's policy guideline that ranks property for its importance to wildlife habitat and public access.

(s) "State Certified Appraiser" means an appraiser who has been certified by authority of W.S. §33-39-101 and by rules and regulations established by the Wyoming Certified Real Estate Appraiser Board.

(t) "UASFLA" means the Uniform Appraisal Standards for Federal Land Acquisitions, also known as "Yellow Book", promulgated by the Interagency Land Acquisition Conference.

(u) "USPAP" means the Uniform Standards of Professional Appraisal Practices of the Appraisal Institute, promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Section 5. Requirements for Appraisal or Price Analysis.

(a) The market value for all fee title and conservation easement real property rights shall be determined by an appraisal prepared by a State Certified Appraiser and reviewed by a State Certified Appraiser, both adhering to USPAP or UASFLA standards as appropriate. Either the preparation or the review of the appraisal shall be completed by an appraiser who is not an employee of the Department. The selection of a third party appraiser or reviewer shall be approved by the Department.

(b) An appraisal or a price analysis shall be completed for any acquisition or disposal of less than fee title real property right(s), except for conservation easements, which shall comply with Section 5(a) above.

Section 6. Procedure for Acquisition of Real Property Rights.

(a) Acquisition Nominations.

(i) The public, a government agency, an organization or any entity may submit a nomination for acquisition of real property rights. Within the Department or the Commission, only Commissioners, Administrative Staff and Regional Supervisors may submit nominations. Nominations shall be submitted in writing and shall contain a minimum of the following information: a legal description, map and a summarized statement explaining the reason why the real property right(s) should be acquired. Nominations shall be delivered to the Lands Administration Section, Services Division, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006.

(ii) The Lands Administration Section shall forward all nominations to the Regional Supervisors and under their direction, regional field personnel shall evaluate all nominations utilizing the real property right(s) ranking system. The region shall prepare a detailed evaluation report and recommendation.

(iii) After the region has completed the ranking evaluation, the Lands Administration Section and regional field personnel shall discuss the nomination including real property right needs, project goals, management plans, alternatives, consequences, estimated acquisition costs, potential funding and development and maintenance costs. The Lands Administration Section shall forward the nomination including a detailed report and the regional recommendation to the Property Rights Team.

(iv) The Property Rights Team shall review the nomination. If the Property Rights Team decides not to proceed with a nomination, a letter shall be sent by the Director's Office to the person or entity who submitted the nomination advising them of the decision. If the Property Rights Team grants authorization to proceed, the nomination shall be presented to the Commission for consideration.

(v) The Commission or the Director's Office of the Department may terminate a nomination at any time.

(b) Commission Action on Acquisitions.

(i) The Department shall present the nomination(s) to the Commission in open session including identification of real property right(s) to be acquired, estimated values of the rights to be acquired, management needs, development costs, maintenance costs and draft contracts. Should the Commission grant authorization to proceed, any property acquired that involves expenditure of federal funds shall be acquired in compliance with applicable federal aid requirements and procedures.

(A) Pursuant to W.S. §16-4-405 (vii), these proceedings may be held in executive session if public disclosure would cause a likelihood of an increase in price to the Commission.

(B) If the Commission does not grant authorization to proceed, a letter shall be sent by the Director's Office to the person submitting the nomination advising them of the decision.

(ii) If the Commission grants authorization to proceed with the acquisition of fee title or conservation easement real property rights, then the Department shall enter into a purchase agreement with the Seller, after which the Department shall complete, or order to be completed, an appraisal and a title report. If the Commission grants authorization to proceed with the acquisition of other less than fee title real property rights, the Department may enter into a purchase agreement and shall complete, or order to be completed, an appraisal or price analysis and a title report.

(A) Prior to final approval of fee title acquisitions, the Department shall advise the Governor's Office and then advertise the Commission's intent to acquire fee title property right(s) through local newspapers and one (1) newspaper of statewide circulation. The advertisement shall be one (1) time a week for

four (4) consecutive weeks. The advertisement shall fully set forth all necessary information to inform the public of the property's location, a short summary explaining the reasons for acquisition, and the date, time and location of the anticipated final Commission hearing to consider the acquisition.

(B) At the Commission's discretion, a public meeting may be held to discuss any real property right acquisition and to solicit additional public comments.

(C) At the Commission's discretion, public advertisement or notice to the Governor's Office may be required for less than fee title acquisitions.

(D) Upon receipt of public input and after all review has been completed, the Commission may vote on whether the property should be acquired.

(E) Any ranked properties not acquired shall remain ranked. Depending upon continued availability, funding and need, ranked properties may be resubmitted to the Commission at future meetings.

(F) The Commission shall not pay more than market value to acquire fee title or conservation easement real property rights.

(G) The Commission shall utilize the information provided in an appraisal or a price analysis in determining the highest negotiated value to be paid for less than fee title property rights.

(iii) After the Commission authorizes the purchase of the proposed acquisition, all associated documents and contracts shall be reviewed and approved by the Department and the Attorney General's Office prior to execution.

(A) Conveyance documents shall be recorded in the respective County Clerk's Office as public records.

(B) A title-vesting certificate shall be prepared or approved by the Attorney General's Office to certify that the real property right(s) are vested in the name of the Wyoming Game and Fish Commission. The Seller, at Seller's cost, shall provide a title insurance policy in an amount to be no less than the purchase price.

(C) All acquired real property rights shall be monitored by Department personnel in a manner prescribed by the Department.

Section 7. Procedure for Disposal of Fee Title.

(a) Disposal Nominations.

(i) The public, a government agency, an organization, or any person or entity may submit a nomination for disposal of real property rights. Within the Department or the Commission, only Commissioners, Administrative Staff and Regional Supervisors may submit nominations. Nominations shall be submitted in writing and shall contain a minimum of the following information: a legal description, map and a summarized statement explaining the reason why the property right(s) should be disposed. Nominations shall be delivered to the Lands Administration Section, Services Division, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006.

(ii) The Lands Administration Section and regional field personnel shall discuss the original purposes and funding sources for acquisition, current management goals, the reconfiguration and consequences if the real property rights is disposed, and a marketing plan including the proposed sales strategy, estimated sales price, timing of the sale and preparation of the real property prior to the sale. The Lands Administration

Section shall forward the nomination including a detailed report and regional recommendation to the Property Rights Team.

(iii) The Property Rights Team shall review the nomination. If authorization to proceed is not granted by the Property Rights Team, a letter shall be sent by the Director's Office to the person submitting the nomination advising them of the decision. If authorization to proceed is granted by the Property Rights Team, the information shall be presented to the Commission for consideration.

(iv) The Commission or the Director's Office of the Department may terminate a nomination at any time.

(b) Commission Action on Disposals.

(i) Prior to public disclosure of intended disposal, the Department shall present the nomination(s) to the Commission in open session. Identification of real property right(s) to be sold and estimated values of the rights to be sold shall be presented to the Commission for authorization to proceed. Should the Commission grant approval to proceed, any property disposal that was originally acquired with federal funds shall be disposed of in compliance with applicable federal aid requirements and procedures. If the Commission does not grant authorization to proceed, a letter shall be sent by the Director's Office to the person submitting the nomination advising them of the decision.

(ii) Once the Commission authorizes to proceed with disposal, the Department shall have any fee title disposals appraised to establish market value or less than fee title disposals shall be appraised or have a price analysis to determine the minimum negotiated value for the disposal. The Department shall advise the Governor's Office and advertise the Commission's intent to sell fee title property right(s) through local newspapers and one (1) statewide newspaper. The advertisement shall be one (1) time a week for four (4) consecutive weeks. The advertisement shall fully set forth all necessary information to inform the public of the property's location, a short summary explaining the reasons for selling, and the date, time and location of the anticipated final Commission hearing to consider the disposal.

(A) At the Commission's discretion, a public meeting may be held to discuss the proposed nomination and to solicit additional public comments.

(B) Following the public notice and receipt of public input and after all review has been completed, the Commission shall vote on whether the real property right(s) should be disposed of by the Commission.

(C) Market value is the minimum price the Commission shall accept for fee title real property rights and minimum acceptable negotiated value is the minimum price the Commission shall accept for less than fee title real property rights

(D) The sale of fee title property right(s) shall be accomplished by sealed bid or by public auction. In the event that market value is not offered, the Department may list the fee title real property right with a Wyoming licensed real estate broker at market value. When an acceptable offer is received and approved by the Commission, the Department shall enter into a purchase agreement.

(E) All trades shall be based on receiving value for value with the same minimum price accepted in a value for value trade as indicated in subsection (C) above. If there are inequities in values of the real property right(s) being traded, value for value shall be achieved by a cash payment, or some other agreed upon remuneration.

(iii) After the Commission authorizes disposal of the real property right(s), all associated documents and contracts shall be reviewed and approved by Department personnel and the Attorney General's Office prior to execution.

(A) All documents shall be recorded in the respective County Clerk's Office as public records.

(B) A title-vesting certificate shall be prepared or approved by the Attorney General's Office to certify that the real property right(s) are vested in the name(s) of the appropriate grantees.

Section 8. Exemption for administrative facilities and properties. The acquisition and disposal of administrative facilities and associated lands are exempt from this regulation.

Section 9. Renewals. Renewals of existing agreements for less than fee title real property rights shall be presented to the Commission in open session for consideration and action before execution of the renewal.

Section 10. Temporary Uses. Agreements for temporary uses of less than fee title real property rights that do not exceed two years in duration are exempt from the acquisition process as indicated in Section 6 of this regulation. The Department shall notify the Commission member in whose district the temporary use agreement will occur. After being notified and fully informed of the temporary use agreement, if the Commission member believes that the temporary use agreement should be considered by the full Commission, it shall be presented to the Commission in open session for consideration and action before execution of the agreement.

Section 11. Emergency Clause. Notwithstanding the previous section(s), the Department may act on behalf of the Commission with notice to the Commission, to acquire or dispose of real property rights and amend, correct or maintain existing real property rights necessary for emergencies, error and omissions, and to take advantage of narrow windows of opportunity. This section is not applicable to any acquisitions or disposals of property where federal aid implications are involved.

Section 12. Savings Clause. If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By: 
Aaron Clark, President

Dated: January 24, 2013